



## RAVALLI COUNTY ATTORNEY

205 Bedford Street, Suite C, HAMILTON, MT 59840-2853

Phone (406) 375-6750 Fax (406) 375-6731

**TO:** Planning

**CC:** Commissioners ✓

**FROM:** Alex Beal, Deputy AB

**DATE:** December 27, 2007

**RE:** Well Placement on Ag Exemption Lot

You have asked for a legal opinion regarding a parcel recently created by the agricultural exemption process (CS 587775-A, Parcel 24A). You have asked whether the owner may put a well on the recently created parcel in order to water her livestock.

Derived from MCA § 76-3-207(1)(f)<sup>1</sup>, § 4-5-3 of the Ravalli County Subdivision Regulations details the purpose and procedure of the ag exemption. It is for situations where "the parcel will be used only for the production of livestock or agricultural crops and no residential, commercial, or industrial buildings, which require water or sewer, will be built on it." The term "agricultural purpose" in our regulations includes "all aspects of farming or ranching including...raising of livestock." Finally, we require that the "parties to the transaction must enter into a covenant running with the land...that the divided land will be used exclusively for agricultural purposes."

Without further information, I cannot say that there is not anything in the covenants preventing there from being water on the property, though I would highly doubt that such a provision would have been inserted. What I can say is the following haiku:

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Stock well fulfills an  
Agricultural purpose  
No Cause for review

Now, that only means no review is necessary by your office. It is not my place to advise the landowner on what regulations apply to drilling a well for a non-domestic use. I will merely advise you to advise the landowner to look into the matter before drilling. If the water were used for domestic purposes, or if any structures were built, those could very well put the landowner in violation of the covenant.

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<sup>1</sup> Our regulations incorrectly note this as subsection (c). The statute was amended in 2003, moving the old sub (c) to (f).  
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